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February 24, 2023

## BY ECF

The Honorable Colleen McMahon  
 United States District Judge  
 Southern District of New York  
 Daniel Patrick Moynihan U.S. Courthouse  
 500 Pearl Street  
 New York, NY 10007-1312

2/28/2023  
 Request granted  
 w/ prejudice &  
 un sealing at a  
 later date

RE: *Nespresso USA, Inc. and Société des Produits Nestlé S.A.*  
*v. Peet's Coffee, Inc., 1:22-cv-02209 (CM) (RWL) (S.D.N.Y.)*

Dear Judge McMahon:

We write on behalf of Defendant and Counterclaim-Plaintiff Peet's Coffee, Inc. ("Peet's"). Pursuant to Section 6 of the Southern District of New York's Electronic Case Filing Rules and Instructions, Peet's seeks permission to file its Answer & Counterclaims under seal. Pursuant to the Protective Order entered in this case (ECF No. 46), Peet's is contemporaneously filing a public redacted version of the Answer & Counterclaims.

The reason for this request is that certain allegations in the Counterclaims discuss and/or quote materials produced in this litigation by Counterclaim-Defendant Nespresso USA, Inc. under confidentiality designations pursuant to the Protective Order. Peet's takes no position with respect to whether those materials actually are confidential or warrant their designations.

Respectfully Submitted,

/s/ Jordan A. Feirman  
 Jordan A. Feirman